UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:12-cr-00392-MOC-DSC

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
BRIGIDO SARCO-AYALA,)	
)	
Defendant(s).)	

THIS MATTER is before the court on the government's Motion to Dismiss Count One of the Indictment Without Prejudice (#5). Inasmuch as the indictment contains only one count, for purposes of clarity the court treat the motion as one to dismiss the Indictment without prejudice and grant such relief for the reasons discussed in the motion.

ORDER

IT IS, THEREFORE, ORDERED that Motion to Dismiss Count One of the Indictment Without Prejudice (#5) is **GRANTED**, Count One and the Indictment are **DISMISSED** without prejudice, and this action is terminated.

Signed: February 28, 2013

Max O. Cogburn Jr. United States District Judge